

THE HONORABLE RICHARD A JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

**IN RE CONSOLIDATED LITIGATION
OVER FIRE ABOARD THE APL PERU**

DAVID PEYSER SPORTSWEAR, INC., et
al.,

Plaintiffs,

v.

SPECTRUM BRANDS, INC., et al.,

Defendants.

Case No.: 09-cv-00169-RAJ

DECLARATION OF RODNEY Q.
FONDA IN SUPPORT OF MOTION TO
COMPEL DEFENDANT SPECTRUM
BRANDS, INC.'S INITIAL
DISCLOSURES

Rodney Q. Fonda deposes and states:

1. I am the principal attorney for plaintiffs David Peyser Sportswear, et al, in this action and make this declaration aware of my duties as an officer of the court.

2. This action was filed in February, 2009. At that time, although I was unaware of the fact when I signed the complaint, defendant Spectrum Brands, Inc. had already filed for bankruptcy protection under Chapter 11. Accordingly, the action was stayed. December 16, 2009, Spectrum counsel filed notice with the court that the bankruptcy action had been dismissed; accordingly the stay was lifted.

DECLARATION OF RODNEY Q. FONDA IN SUPPORT OF
MOTION TO COMPEL DEFENDANT SPECTRUM BRANDS,
INC.'S INITIAL DISCLOSURES - 1

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CERTIFICATE OF SERVICE

I hereby certify that on February 4, 2010, I electronically filed the foregoing documents with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DECLARATION OF RODNEY Q. FONDA IN SUPPORT OF
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DATED this 4th day of February, 2010.

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